

EFFECTIVE DATE: April 7, 2004

EXPIRATION DATE: 03/31/06

PROCEDURE INSTRUCTION LETTER NO. I04-V-1

FROM: RAY McKINNEY  
Administrator for  
Coal Mine Safety and Health



SUBJECT: Procedures for the Issuance of Potential High-Dollar Violations

#### Scope

This Procedure Instruction Letter (PIL) applies to Coal Mine Safety and Health (CMS&H) District Managers, Supervisors, Specialists and Inspectors who participate in fatal and other serious injury accident investigations. This PIL also applies to the Deputy Administrator, Regional/ Associate Regional Solicitors, National Solicitor Office, Accident Investigation (AI) and Division of Safety (DOS) personnel who may be involved in the review or litigation of potential high-dollar enforcement actions.

#### Purpose

This PIL provides guidance for district and headquarters personnel when deciding to issue citations or orders that could be assessed as high-dollar penalties (\$10,000 or more). For purposes of this PIL, potential high-dollar enforcement actions are defined as any violations determined as contributory to a fatal accident or any high-negligence violations determined as contributory to a serious non-fatal injury.

#### Procedure Instructions

When a fatal or serious accident investigation has progressed to the point where proposed draft violations are available, a copy of the proposed violations, a draft of the accident investigation report and a copy of the investigator's notes shall be sent to the headquarters AI group. The AI group will provide the Chief, Division of Safety, with a copy of this material. The AI group will arrange a conference call to discuss these potential violations with the District Manager, Lead Investigator, AI Chief, DOS Chief, National Office Division of Solicitor and appropriate Regional/ Associate Solicitor, and the MSHA Associate Solicitor or their representatives to review and discuss all proposed enforcement actions, and to reach a consensus on each proposed action.

### Background

Currently, DOS participation in the accident investigation/enforcement process does not occur until the high-dollar assessments are discussed. By involving DOS earlier in the accident investigation/enforcement process, enforcement consistency will be enhanced, communications between headquarters and district enforcement personnel will be improved, accident prevention efforts will be better focused, and potential litigation reduced.

### Authority

Federal Mine Safety and Health Act of 1977

### Filing Instructions

This instruction letter should be filed behind the tab marked "Procedure Instruction Letters" in the binder for Program Policy Handbooks and Procedure Instruction Letters.

### Issuing Office and Contact Persons

Robert L. Phillips, CMS&H Division of Safety, (202) 693-9549

e-mail address: [Phillips.Robert@dol.gov](mailto:Phillips.Robert@dol.gov)

William Crocco, CMS&H Accident Investigation, (202) 693-9507

e-mail address: [Crocco.William@dol.gov](mailto:Crocco.William@dol.gov)

### Internet Availability

This information bulletin may be viewed on the Internet by accessing MSHA's home page at <http://www.msha.gov>, and then choosing "Rules & Regs" and "Compliance Assistance Information."

### Distribution

MSHA Program Policy Manual Holders